

5

Critical Factors You MUST Consider BEFORE You Hire A Lawyer



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What's Inside:

- ◆ What is the most important factor to consider?
- ◆ Clues you cannot afford to miss!
- ◆ Questions you must remember to ask!
- ◆ Be certain you make the vital request everyone else forgets!

A yellow starburst graphic with a black outline, containing the text "Valuable Information Inside" in black, bold, sans-serif font.

**Valuable
Information
Inside**

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TIM MILEY | ATTORNEY AT LAW

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TIMOTHY R. MILEY
Attorney at Law

The Miley Legal Group
230 W Pike Street Suite 205
Clarksburg, WV 26301
304.326.1800
www.MileyLegal.com
MLG@MileyLegal.com

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Critical Factor #1

The Percentage of Practice Devoted to Your Type of Case

The first most critical factor to consider when hiring a lawyer is ‘what percentage of their legal practice is devoted to the type of situation for which you are seeking legal assistance.’ Many consider this the most important factor to consider before making your decision. The reason you need to know this is simple – YOU need to know how qualified and knowledgeable that attorney is regarding your specific legal situation. If that lawyer does not spend 80% or more of their time representing people in similar situations, then you probably want to hire another lawyer. Obviously, the more direct experience a lawyer has in a specific area of law, the more skilled they will be to represent you.

BEWARE OF THE GENERAL PRACTITIONER!!! If a lawyer tells you they are a ‘general practitioner’ or that they practice law in 4 or more areas, they are likely only spending between 15-25% in the area you need. However, if the attorney you are considering hiring to represent you spends 75-100% of his or her time practicing law in the area for which you need them, then you can rest assured that they probably know that area of law pretty well.

Just to be clear, I am not being critical of lawyers who consider themselves ‘general practitioners.’ I just think even they would have to be honest and admit that it is extremely difficult to keep up with the changing laws in so many areas. In comparison, it would be similar to a family doctor treating cancer. I am not trying to take away from the family doctor’s skills or abilities but it is preferable to have a doctor that focuses on your specific need.

Critical Factor #1 Continued

The Percentage of Practice Devoted to Your Type of Case

Also, please do not get the wrong impression that someone who has practiced law for only two years in one area of law has enough experience. Your goal should be, at minimum, a focused area of practice with at least 10+ years of experience. Selecting that type of lawyer is the **first** step in getting a lawyer who is knowledgeable and on the cutting edge of the information that will help you win your case.

Critical Factor #2

How 'Knowledgeable' the Lawyer is About the Legal Issues of Your Case

The second most critical factor you must consider before hiring a lawyer is 'how knowledgeable is the lawyer you are considering hiring about the legal issues of your case or legal problem.' As I mentioned above, you need to think about how much of that lawyer's time is spent focusing in the area in which you need a lawyer. Keep in mind, however, that factor alone may not lead you to the right attorney. For example, you might need a lawyer to represent you in negotiating a lease with a large corporation for the right to your minerals underneath your property. If you interview a lawyer that has been practicing law for 10 years and focuses on property law, but the focus has been on handling real estate closings, that lawyer is probably not the one to hire.

Also, make sure you assess whether that lawyer possesses a strong command and grasp of the legal knowledge necessary to successfully represent you. It should not be very hard to tell whether that lawyer is able to answer your direct questions or whether he or she has to do "research" and get back to you. While there is nothing wrong with a lawyer doing research to make certain that you are being given the correct information, it is still a factor you need to consider before deciding to hire that lawyer to represent you.

Critical Factor #3

References from Former Clients

The third most critical factor you must consider before hiring a lawyer is their list of references from other clients who have had cases similar to yours. If that lawyer has had any success at all representing clients, there should be no problem having those previous clients speak with you about the services that the lawyer provided. I know this seems like something that everyone probably does, but you would be surprised how many clients never ask for references from lawyers even though knowing their history of success and ability to maintain client relations is vital information. You would never go to a doctor without asking around about him/her from former or current patients, so why would you hire a lawyer without doing the same thing? If you find that a lawyer does not have a list of references and is not willing to produce any before you hire them, then you should rethink your decision as to whether or not you wish to hire that lawyer.

Critical Factor #4

Results of Similar Cases

The fourth most critical factor you need to consider is the prior results the lawyer has achieved in cases substantially similar to yours. Let me begin by saying that every case is different and any results that lawyer has been able to achieve on behalf of other clients with similar situations may or may not be able to be accomplished in your case. However, it is still critically important for you to ask that lawyer what results he has obtained in cases similar that are factually similar to yours. Further, ask that lawyer what the differences are, if any, between your case and the others that may cause you to get a different result – better or worse. Many times there are factors beyond their control but that attorney should be able to identify for you nearly all of the reasons why the result in your case would be significantly different. Keep in mind that if your case is injury related and if your medical issues have not been resolved it may change the scope of the case. Regardless, you must ask these questions so you can have realistic expectations about the outcome of your case.

Critical Factor #5

Communication Policy

The fifth critical factor you must consider before hiring a lawyer is determining what their communication policy will be with you if you decide to hire them to represent you. The biggest complaint that clients make about their lawyer is that the lawyer never communicates with his/her clients. Quite frankly, failure of a lawyer to communicate regularly with their clients is unacceptable.

In my firm, you will hear from your lawyer and legal assistant on a regular basis throughout your case and you will also be receiving copies of every piece of correspondence that goes out of this office on your behalf. We do this so you can keep up with and follow what is happening in your case. Not all lawyers do this, but we are committed to full communication so that we are never accused of not keeping our clients fully informed about what is happening in their case. One additional benefit that I give to our clients of The Miley Legal Group is a periodic evaluation for the client to complete so that our service for the client can be assessed. I am not aware of any other firm in the country, let alone in the State of West Virginia, that sends out evaluations to every client every three to four months while their case is pending to ask what their satisfaction level is with the services that my firm is providing to them. I do this for a couple of simple reasons. First, I need to know if any client is dissatisfied with the manner in which their case is being handled. Secondly, I do this so that the client always has a comfort level knowing that his or her case has not "fallen through the cracks" and is being ignored. Therefore, you must get a clear understanding from the lawyer you are considering hiring what his or her communication policy is with their clients so you can make certain you are satisfied with that level of communication.

5 Critical Factors You **MUST** Consider **BEFORE** You Hire a Lawyer

No one wants to find themselves in a situation where they need legal help but unfortunately, those situations happen. *The 5 Critical Factors You Must Consider Before You Hire a Lawyer* was written to help those seeking legal assistance make the best choice when hiring a lawyer. Finding the right person to represent you is key to success and peace of mind.

About the Author



Timothy R. Miley, Esq. has practiced law for over 20 years. Tim is recognized by lawyers around the country as a highly-skilled lawyer representing individuals and their families who have suffered severe and debilitating injuries and wrongful deaths at the hands of careless individuals and corporations. He has received in excess of \$15,000,000 in verdicts and settlements on behalf of his injured clients and their families.

Since 2005, Tim Miley has represented West Virginia's 41st District in the House of Delegates serving in the prestigious position as the Chairman of the House Judiciary Committee so he can focus on preserving laws that protect the rights of West Virginia citizens. Additionally, Mr. Miley is a member of the American Association for Justice, the West Virginia Association for Justice, the West Virginia State Bar, and the Harrison County Bar Association. He resides in Bridgeport, WV, with his wife, Susan and stepdaughter, Jordin.

For sampling of verdicts and settlements achieved by Mr. Miley or for more information, please visit www.MileyLegal.com.



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